

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 92 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JAIKRISHNABHAI PRABHUDAS THAKKER

Versus

M/S.PRAGJIBHAI PURSHOTTAMDAS SHROFF

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Appearance:

MR NALIN K THAKKER for Petitioners

MR MI PATEL for Respondent No. 1

MR AG URAIZEE, ADDL.P. P. for Respondent No. 2

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 02/08/96

ORAL JUDGEMENT

1. Mr.A.G.Uraizee, learned A.P.P. appears on behalf of the State.

2. When this matter is called out Mr.N.K.Thakkar, learned Advocate for the petitioners has presented consent terms to this Court. The said consent terms

stand accompanied by a true copy of death Certificate of petitioner No.2. The consent terms indicates that the parties have settled the matter at the intervention of well-wishers. The petitioners have assured the partners of respondent No.1 that the petitioners have ceased to be the partners from the accused firm some time back before the date of the Hundi transaction. In view of such assurance having been given to the respondent No.1, the respondent No.1 has agreed for the respondent No.1's complaint being quashed on the express undertaking that the petitioners shall not take any civil or criminal action against the respondent complainant for filing the aforesaid criminal complaint bearing Criminal Case No.2665 of 1992.

3. The consent terms are signed by the petitioners No.1, 3 and 4 and their learned Advocate who is present before the Court. Respondent No.1 signed the same under the rubber stamp of respondent No.1 firm. Mr.M.I.Patel, learned Advocate for respondent No.1 has also signed the consent terms.

4. In view of these consent terms it would be futile and there would be no sense in continuing the further proceeding of criminal case No.2665/92 in so far as present petitioners i.e. Jayakrishnabhai P. Thakkar, Dashrathbhai Prabhudas Thakkar, Chandrakant Prabhudas Jerajani and Anilkumar Jaikrishna Jerajani are concerned.

Rule made absolute only in the aforesaid terms.

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